

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

LONGMONT UNITED HOSPITAL

Employer

and

Case 27-RC-275868

**NATIONAL NURSES ORGANIZING
COMMITTEE/ NATIONAL NURSES UNITED,
AFL-CIO (NNOC/NUU)**

Petitioner

**ORDER DIRECTING HEARING AND NOTICE OF HEARING ON
CHALLENGED BALLOTS**

Based on a petition filed on April 20, 2021 and pursuant to a Decision and Direction of Election, an election was conducted by mail beginning on June 15, 2021 to determine whether a unit of employees of Longmont United Hospital (Employer) wish to be represented for purposes of collective bargaining by National Nurses Organizing Committee/ National Nurses United, AFL-CIO (NNOC/NUU) (Petitioner). That voting unit consists of:

All full-time, regular part-time, and per diem registered nurses employed by the Employer at its facility located in Longmont, CO 80501; excluding all other employees, including RNs employed by other entities, registries or agencies providing outside labor to the Employer, office clerical employees, nurse administrators, managerial employees, confidential employees, guards, and supervisors as defined by the National Labor Relations Act.

The tally of ballots prepared at the conclusion of the mail ballot election on July 7, 2021 shows that of the approximately 229 eligible voters, 93 votes were cast for and 84 votes were cast against the Petitioner, with 15 challenged ballots, a number sufficient to affect the results of the election. There were 4 void ballots. On July 14, 2021, the Employer filed a timely objection to conduct affecting the results of the election.

On July 26, 2021, I issued a Decision on Challenged Ballots and Objection wherein I sustained the challenges to four ballots, ordered that the ballots of four challenged voters be opened and counted and a revised tally of ballots be prepared, and overruled the Employer's objection.¹

On August 13, 2021, the ballots of four challenged (b) (6), (b) (7)(C) were opened and counted and a revised tally of ballots was prepared.² The revised tally of ballots now shows that

¹ I sustained the challenges to the ballots of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). The request for review on the challenged ballot determinations was due on August 9, 2021. No request for review was filed concerning the determinations on the challenged ballots.

² The four (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C).

93 votes were cast for and 88 votes were cast against the Petitioner. The (b) (6), (b) (7)(C) remaining unresolved challenged ballots are still determinative of the results of the election.

THE CHALLENGED BALLOTS

The names of the challenged voters, the stated reason for each challenge, and the party or person who made the challenge are as follows:

Name of Challenged Voter	Reason for Challenge	Challenged By
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Employer
(b) (6), (b) (7)(C)	Ballot not signed	Employer
(b) (6), (b) (7)(C)	Decision and Direction of Election	Board Agent
(b) (6), (b) (7)(C)	Decision and Direction of Election	Board Agent
(b) (6), (b) (7)(C)	Decision and Direction of Election	Board Agent
(b) (6), (b) (7)(C)	Decision and Direction of Election	Board Agent
(b) (6), (b) (7)(C)	Decision and Direction of Election	Board Agent

(b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C) in the position of (b) (6), (b) (7)(C). In the Decision and Direction of Election in this matter, the determination on the eligibility of the (b) (6), (b) (7)(C) was left to be resolved to the post-election process, if necessary. Contrary to the Employer, the Petitioner asserts that the (b) (6), (b) (7)(C) are statutory supervisors and are ineligible to vote in the election.

Also in dispute are the ballots of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Regarding (b) (6), (b) (7)(C), there is a conflict as to whether (b) (7)(E) at the time (b) (6), (b) (7)(C) cast (b) (6), (b) (7)(C) mail ballot. As to (b) (6), (b) (7)(C) the Employer challenged the ballot on the basis of the voter's signature and has presented comparator evidence bearing (b) (6), (b) (7)(C) signature that raises a question as to whether the ballot was cast by (b) (6), (b) (7)(C).

CONCLUSION AND ORDER

I have concluded that the challenged ballots of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) raise substantial and material issues of fact that can best be resolved by hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations,

IT IS ORDERED that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised with respect to the remaining challenges. At the hearing, the parties will have the right to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the challenges.

NOTICE OF HEARING

Starting at **9 a.m. (MDT) on August 31, 2021**, the hearing on challenges as described above will be conducted by videoconference before a Hearing Officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated: August 17, 2021

/s/ *Paula S. Sawyer*

PAULA SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294